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September 9, 2019

Hon. Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Donville Inniss*, Docket No. 18-Cr.-134 (KAM)

Dear Judge Matsumoto:

Defense counsel respectfully submits this letter in response to the government's Rule 15 motion. Defense counsel objects to the government's Rule 15 motion, on the basis that the motion is currently premature, because the unavailability of the proposed witness has not yet been established. In its letter motion, the government sets forth a chronology of its efforts to have the proposed witness testify at trial, however, the government concludes its discussion of the proposed witness's unavailability by stating:

On or about August 27, 2019, the government was informed that Barbadian authorities are planning to contact the witness during the week of September 2, 2019, with regard to his willingness to testify at trial.

See Government's Rule 15 Motion, Page 2, Sec. II.

Based upon this representation, the government has not made a clear showing that the proposed witness is, in fact, unavailable - - that he is not willing to travel to the United States to testify at trial. Therefore, it is the defense's position that any finding of unavailability would be premature at this time, based upon the foregoing set of facts.

Respectfully,

Anthony L. Ricco

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cc: A.U.S.A. Sylvia Shweder (By E.C.F.)

cc: Gerald M. Moody, Jr. (By E.C.F.)
Trial Attorney
U.S. Department of Justice